

HONOURABLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HONOURABLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.950 OF 2005

Between:

District Collector, Chittoor District,
Chittoor and three others.

...Petitioners

And

R.Venkatarathanam and four others.

...Respondents

:: JUDGMENT ::

Counsel for the Appellants : Government Pleader for Revenue

Counsel for the Respondents : Shri M.N.Narasimha Reddy
for Shri G.Dasaradha Rami Reddy

Dated: 30th October 2006

Per G.S.Singhvi, CJ

This appeal is directed against order dated 10.03.2005 passed by the learned Single Judge in Writ Petition No.1919 of 2005, whereby he restrained the non-petitioners (appellants herein) from laying road across the land of the writ petitioners (respondents herein).

It is borne out from the record that respondent Nos.1 and 2 purchased land measuring Ac.13-05 cents comprising Survey Nos.536, 537/1 and 2 and 538 situated in Yerramreddy Palyam Village, Renigunta Mandal, Chittoor District, from Sarvashri S.Ramanujulu and K.S.Ramanujam. When the sale deeds were presented for registration, Sub-Registrar, Renigunta refused to register the same on the ground that Mandal Revenue Officer, Renigunta had instructed not to do so. Thereupon, Sarvashri S.Ramanujulu and K.S.Ramanujam filed Writ Petition No.2086 of 1995, which was allowed by the learned Single Judge. In

compliance of the Court's order, the Sub-Registrar registered the documents and released the same. Thereafter, respondent Nos.1 and 2 applied for effecting patta transfer and issue of No Objection Certificate. The Mandal Revenue Officer, vide his proceedings dated 23.12.2000, rejected their request. The said proceedings was quashed by the learned Single Judge in Writ Petition No.3823 of 2001 filed by respondent Nos.1 and 2 and a direction was given to issue pattas. Writ Appeal No.172 of 2002 filed by the State and the Mandal Revenue Officer was dismissed by the Division Bench on 7.3.2002. As a sequel to this, the Mandal Revenue Officer issued patta transfer certificate and No Objection Certificate in favour of respondent Nos.1 and 2.

After about four years of implementation of the order passed by the learned Single Judge in Writ Petition No.3823 of 2001, Chief Executive Officer, Zilla Parishad, Chittoor, tried to utilize the land purchased by respondent Nos.1 and 2 for the purpose of laying road. At that stage, respondent Nos.1 and 2 filed Writ Petition No.1919 of 2005 for restraining the non-petitioners (appellants herein) from laying road through their land.

The learned Single Judge allowed the writ petition by observing that in view of mutation of lands in question in favour of the petitioners (respondent Nos.1 and 2 herein), the non-petitioners (appellants herein) cannot lay road without resorting to acquisition proceedings in accordance with the Land Acquisition Act, 1894.

Learned Assistant Government Pleader made strenuous efforts to persuade us to set aside the order under challenge by arguing that the vendors, from whom respondent Nos.1 and 2 had purchased the land and succeeded in persuading two different learned Single Judges of this Court to pass orders for registration of the documents and for issue of patta certificate and No Objection Certificate, were not lawful owners of the land. She invited our attention to the counter-affidavit dated 25.02.2005 of Sri T.Jayaramaiah, the then Mandal Revenue Officer, Renigunta Mandal, Chittoor District, to show that the dispute regarding title of the vendors of respondent Nos.1 and 2 is still pending adjudication before Deputy Tahsildar (Inams), Chittoor, and argued that notwithstanding the orders passed by the learned Single Judges for registration of documents in favour of respondent Nos.1 and 2 and issue of patta certificate and No Objection Certificate in their favour, the impugned order should be set aside. Learned counsel submitted that due to inadvertence, the documents which have direct bearing on the entitlement of respondent Nos.1 and 2 to own the land in question were not placed before the learned Single Judge and this lapse should not be treated sufficient for sustaining the direction given by the learned Single Judge.

Learned counsel for respondent Nos.1 and 2 supported the order under challenge and argued that his clients cannot be deprived of their valuable right to property without the authority of law and without paying compensation to them.

We have considered the respective submissions and carefully scrutinized the record.

Although there appears some substance in the arguments of the learned Assistant Government Pleader that the case of the State and its functionaries had not been properly projected before the learned Single Judges in the previous round of litigation, we are unable to agree with her that while deciding Writ Petition No.1919 of 2005, the learned Single Judge ought to have ignored the factum of registration of documents in favour of respondent Nos.1 and 2 and mutation of their names in the revenue records. Rather, we have no hesitation to hold that the learned Single Judge was duty-bound to abide by the orders passed by coordinate Benches, at least, one of which was confirmed by the Division Bench while

dismissing the appeal preferred by the State etcetera, and the order impugned in this appeal cannot be faulted on the ground that the learned Single Judge has taken into consideration the mutation entries made in the name of respondent Nos.1 and 2 pursuant to the directions given by the High Court in earlier litigation.

For the reasons afore-stated, the appeal is dismissed.

However, it is made clear that this order and orders passed in earlier writ petitions will not preclude the competent authority from independently adjudicating on the rights of the vendors of respondent Nos.1 and 2. It is also made clear that if the competent authority comes to a conclusion that the vendors of respondent Nos.1 and 2 did not have title over the land in question, then the State and its functionaries shall be entitled to apply for review of the orders passed by this Court in the earlier round of litigation.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

30.10.2006

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